

**THE SECOND TRIAL BEGUN.**

NO CHANGE OF VENUE FOR INSPECTOR MC LAUGHLIN.

JUSTICE INGRAHAM DENIES THE DEFENDANT'S MOTION AND VACATES JUSTICE PRATT'S STAY—AN APPEAL FROM HIS RULING WHICH SOME LAWYERS THINK MAY ACT AS A STAY—OPENING OF THE NEW TRIAL BEFORE JUSTICE BARRITT.

Justice Ingraham, in the Supreme Court, yesterday vacated the order of Justice Pratt, of Brooklyn, granting a stay in Inspector McLaughlin's case, and denied the motion of the Inspector's counsel for a change of venue. The new trial was begun before Justice Barritt yesterday afternoon.

Ex-Surrogate Rollins opened the argument before Justice Ingraham instead of District-Attorney Rollins who, he stated, had been called to Albany unexpectedly. He contended that though counsel for the defense had gone to Kings County with an application for a change of venue, they had no right to do so, and the Justice there had no right to grant the order, as an application for a change of venue could only be made in the county in which the trial of McLaughlin was held.

Mr. Elias, representing Colonel E. C. James, in reply to Mr. Rollins, read a long list of objections to any proceedings being taken by the Court, in which he contended that the Supreme Court had no jurisdiction.

Judge Ingraham said that the argument that the Supreme Court had no jurisdiction was frivolous. Then Mr. Elias asked for an adjournment.

"I ask Your Honor," said he, "for an adjournment, as Colonel E. C. James, the senior counsel for the defendant, is engaged in a case in the Court of Appeals."

**MOTION FOR ADJOURNMENT DENIED.**

Justice Ingraham in reply said that the business of the county could not be suspended because Colonel James was engaged in another court. He said that the defendant, McLaughlin, expected to get a change of venue, and was endeavoring, it seemed, to compel the District-Attorney to put off the trial until the fall.

Mr. Elias then read affidavits from Colonel James requesting that the hearing on the motion for a change of venue be delayed in order to give the defendant a fair chance to prepare his papers.

Judge Ingraham said, referring to the affidavits of Colonel James and McLaughlin:

"So far as Colonel James and the defendant think that the administration of public justice will not be interfered with by the trial being adjourned indefinitely, or at least until the fall, as would be rendered necessary if the application were granted, I know of no other defendant that has been indicated that ever had an idea that the administration of public justice would be aided by his trial and punishment. The people who are interested in the administration of the law and the punishment of crime are apt to think differently."

Judge Ingraham paused a moment and then said to Mr. Elias: "Nothing further to say, sir?" Lawyer Elias replied: "I have stated all I have to say."

"Nothing further?" said His Honor. "Then, under the circumstances, the defendant having failed to bring the motion or to offer an argument, the motion is continued and the stay is vacated."

Mr. Elias took an exception. Mr. Rollins, who was bawling all over, said: "Your Honor grants our motion."

"That has been granted," said Judge Ingraham, "and the motion is directed to be heard and the counsel for defendant having stated that he refuses to bring the motion on for argument under my order I direct the motion to stand denied."

**THE NEW TRIAL OPENS.**

The doors of the Court of Oyer and Terminer were thrown promptly open yesterday afternoon at 2 o'clock. A big crowd had collected in expectation of witnessing the opening of the second trial of Inspector McLaughlin.

A fresh panel of 150 jurors had been summoned for the occasion. Contrary to the usual custom, the members did not take their seats in court. They were escorted to the jury-room of the court and were not allowed in court. This indicates that extraordinary precaution will be taken this time to keep the tale-tellers from being interfered with.

Inspector McLaughlin was on hand at the appointed time. He looked a trifle worn and haggard, as if the strain was telling on him.

Mr. Rollins began by reading a part of the record of the last trial in regard to the election of the Court. When the defendant was to be tried, he made a motion that the defendant be held on the fifth indictment, that of sotiation.

Mr. Elias then called Justice Barrett's attention to the fact that Judge Pratt had granted a stay.

"I object," said he, "to the Court's going on with the trial on the ground that it is a trial and an appeal." Justice Barritt directed the stenographer to add Justice Ingraham's order to the record. A certified copy of the order was in court.

Mr. Elias then moved for an adjournment because of Colonel James's absence. This was denied, and the examination of talemens was begun. Several were examined and excused, and then Otto H. Koenig, of the defense, moved that the trial be adjourned provisionally. David P. Miller, a cleric, of Broadway, took the second seat in the box provisionally. Justice Barritt then ordered the talemens to go to the jury-room and not to go into the courtroom, and told them to remain about the same. The court was then adjourned until to-day, and the two provisional jurors were taken to the Bronx.

Friedrich, lawyer, counsel for Inspector McLaughlin, late yesterday filed in the Supreme Court a notice of appeal from Justice Ingraham's decision forcing McLaughlin to stand trial and refusing him a change of venue. Some lawyers think this acts as a stay and will stop the trial.

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